

Assembly Bill No. 1968

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 31, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 76361.1 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1968, Leslie. Community colleges: transportation fees.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes them to maintain campuses at which instruction is provided to students. Existing law authorizes the governing boards of community college districts to charge various fees, including fees charged to students and employees at a campus of the district for purposes of partially or fully recovering transportation costs incurred by the district or of reducing fares for services provided by common carriers or municipally owned transit systems to these students and employees, in accordance with a prescribed procedure. With respect to these transportation fees, existing law requires a governing board maintaining transportation services to adopt rules and regulations governing the exemption of low-income students from these fees and authorizes the governing board to adopt rules and regulations that provide for the exemption of others.

This bill would specify that its provisions relating to these transportation fees apply only to the Los Rios and Rio Hondo community college districts. The bill would provide that, notwithstanding the existing provision relating to the adoption of the rules and regulations governing the exemption of low-income students and other students from these fees, the governing board of a community college district to which this bill applies may adopt rules and regulations to exempt low-income students from this fee, or to require low-income students to pay all or part of this fee.

The bill would prohibit the governing board of a community college district to which this bill applies from entering into, or

extending, a contract for transportation services, funded by the proceeds of a transportation fee and provided by a common carrier or a municipally owned transit system, unless and until a majority of students of that district who vote in an election, held no more than 10 years prior to the date of the expiration of the contract proposed to be entered into or no more than 10 years prior to the date to which it is proposed that an existing contract be extended, have approved the payment of the fee for this purpose. The bill would require that an election held pursuant to this provision be held in accordance with regulations adopted by the board of governors of a district to which this bill applies to ensure that the election is publicly noticed and that all students, including full-time, part-time, evening, and weekend students, have an opportunity to vote in the election. The bill would require that, if the governing board decides to seek to terminate or alter the arrangements under which the district receives transportation services from a common carrier or municipally owned transit system, the governing board provide at least 12 months' notice of that intention to the provider of transportation services.

(2) An existing provision of the California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

The bill would express a finding and declaration of the Legislature that, due to unique circumstances relating to the transportation services utilized by the communities served by the Los Rios and Rio Honda community college districts, a general statute cannot be made applicable, and the enactment of this bill as a special statute is therefore necessary.

The people of the State of California do enact as follows:

SECTION 1. Section 76361.1 is added to the Education Code, to read:

76361.1. (a) This section applies only to the Los Rios and Rio Hondo community college districts.

(b) Notwithstanding any other provision of law, a district to which this section applies may require that a fee authorized by subdivision (a) of Section 76361 for transportation services be

paid only by students and employees using the services, or, in the alternative, by either of the following groups of people:

(1) Upon the favorable vote of a majority of the students and a majority of the employees of a campus of the district, who voted at an election on the question of whether or not the governing board should require all students and employees at the campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district, the fees may be required to be paid by all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c), and all employees of the campus of the community college district.

(2) Upon the favorable vote of a majority of the students at a campus of the district, who voted at an election on the question of whether or not the governing board should require all students to pay a fee for transportation services for a period of time to be determined by the governing board of the district, the fees may be required to be paid by all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c), at the campus of the community college district. However, the employees shall not be entitled to use the services.

(c) (1) If, pursuant to Section 76361, a fee is required of students for transportation services, any fee required of a part-time student shall be a pro rata lesser amount than the fee charged to full-time students, depending on the number of units for which the part-time student is enrolled. Notwithstanding any other provision of law, the governing board of a community college district to which this section applies that provides for transportation services may adopt rules and regulations to exempt low-income students from this fee, or to require low-income students to pay all or part of this fee.

(2) Notwithstanding any other provision of law:

(A) The governing board of a community college district to which this section applies shall not enter into, or extend, a contract for transportation services provided by a common carrier or a municipally owned transit system, funded by the proceeds of a fee authorized under this section, unless and until a majority of the students of that district who vote in an election, held no more than 10 years prior to the date of the expiration of the contract proposed to be entered into or no more than 10 years prior to the

date to which it is proposed that an existing contract be extended, have approved the payment of the fee for this purpose. An election held pursuant to this subparagraph shall be held in accordance with regulations adopted by the board of governors to ensure that the election is publicly noticed and that all students, including full-time, part-time, evening, and weekend students, have an opportunity to vote in the election.

(B) If the governing board of a community college district to which this section applies decides to seek to terminate or alter the arrangements under which the district receives transportation services from a common carrier or municipally owned transit system, the governing board shall provide at least 12 months' notice of that intention to the provider of transportation services.

(d) A community college district to which section applies is subject to subdivisions (d), (e), and (f) of Section 76361.

SEC. 2. The Legislature finds and declares that, due to unique circumstances relating to the transportation services utilized by the communities served by the Los Rios and Rio Honda community college districts, a general statute cannot be made applicable, and the enactment of Section 76361.1 of the Education Code by Section 1 of this act as a special statute is therefore necessary.

Approved _____, 2006

Governor